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Paper No. 6

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**JUN 12 2003**

**OFFICE OF PETITIONS**

In re Application of  
Brown Jr., et al.  
Application No. 10/054,771  
Filed: January 22, 2002  
Attorney Docket No. 03399P074

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ON PETITION

This is a decision on the petition to revive under 37 CFR 1.137(f), filed May 15, 2003, which is being treated as a petition under 37 CFR 1.137(b).

The petition is **DISMISSED AS MOOT**.

The above-identified application was filed on January 22, 2002 with a nonpublication request and certification under 35 U.S.C. 122(b)(2)(B)(I). On November 25, 2002, applicant filed a Request to Rescind Previous Nonpublication Request.

With the instant petition, applicant states that the application was foreign filed on December 31, 2002.

As the Request to Rescind Previous Nonpublication Request was filed before the foreign filing, the application will be treated as if the nonpublication request was never made.<sup>1</sup>

As requested, the Request and Certification Under 35 U.S.C. 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request indicating a projected publication date of September 18, 2003 accompanies this decision.

The petition fee of \$1,300 has been refunded to Deposit Account No. 02-2666.

<sup>1</sup> See "Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. 122(b)(2)(B)(ii)-(iv)", available at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/35uscl22b2binterpret.htm>.

The application file is being forwarded to Technology Center 2100 for processing in due course.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-0272.



Cliff Congo  
Petitions Attorney  
Office of Petitions

Enc: Notice Regarding Rescission of Nonpublication Request  
(1 page)